BILL NO. G-74-02- 29

GENERAL ORDINANCE NO. G- 03-74

AN ORDINANCE amending General Ordinance G-97 by authorizing the vacation of Babson Drive, Fort Wayne, Allen County, Indiana

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT

9 WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a public street having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on Janaury 28, 1974, following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat. 1964 Replacement, Sect. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public street in Fort Wayne, Allen County, Indiana, to-wit:

Babson Drive from the West line of Calhoun Street to the West property line of Lots 333 and 334 in Stellhorn Park Section B in the City of Fort Wayne, County of Allen, State of Indiana

SECTION 2. After passage of this Ordinance, approval by the Mayor, and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

APPROVED AS TO FORM AND LEGALITY, Reg.

Read the first time in full and on motion by Mulholo, seconded by
to the Committee on Algulations (and the City Plan
Commission for recommendation) and Public Hearing to be held after due legal notice,
at the Council Chambers, City-County Building, Fort Wayne, Indiana, on,
the
o'clock P.M., E.S.T.
Date: 7/26/74 Multivace
Read the third time in full and on motion by Auchole,
seconded by, and duly adopted, placed on its passage.
Passed (HUST) by the following vote:
AYES, NAYS
BURNS
HINGA
KRAUS
MOSES
NUCKOLS
SCHMIDT, D.
SCHMIDT, V.
STIER
TALARICO V
DATE: 3-12-74 MUSING WILLIAMS
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (Zening Map) (General) (Annexation) (Special) (Appropriation) Ordinance
(Resolution) No. <u>2-03-74</u> on the <u>12-74</u> day of <u>920-41</u> , 1974.
ATTEST: (SEAL)
CITY CLERK PRESIDENCE PRESIDENCE OFFICER
Presented by me to the Mayor of the City of Fort Wayne, Indians, on the 13 M
day of
A. M., E.S.T.
Muselly alaborina
Approved and signed by me this // day of March , 197 4,
at the hour of 2:00 o'clock P. M., E.S.T.
Son A Jekurt

Bill No. REPORT OF THE COMMITTEE ON REGULATIONS We, your Committee on Regulations to whom was referred an Ordinance amending the General Ordinance: G-97 by authorizing the vacation of Babson Drive, Fort Wayne, Allen County, Indiana. have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance _____ PASS. John Nuckols - Chairman Vivian G. Schmidt - Vice-Chairman William T. Hinga Paul M. Burns Donald J. Schmidt

G-74-02-29



February 4, 1974

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Babson Drive from the West line of Calhoun Street to the West property line of Lots 333 and 334 in Stellhorn Park Section B in the City of Fort Wayne, County of Allen. State of Indiana.

which was approved by the City Plan Commission at its regular meeting held January 28, 1974.

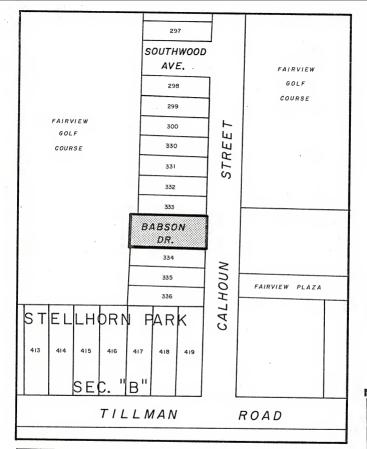
Respectfully submitted

ige H. Roser

CITY PLAN COMMISSION

Certified and signed this 28th day of January, 1974.

George Roser Secretary



STREET TO BE VACATED

RESOLUTION

the form of the contract of the

WHEREAS, Jim Kelley, Inc. has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street in Allen County, Indiana, to wit:

Babson Drive from the West line of Calhoun Street to the West property line of Lots 333 and 334 in Stellhorn Park Section B in the City of Fort Wayne, County of Allen, State of Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication hereof; and

WHEREAS, said public hearing was held on January 28, 1974, at 7:30 o'clock p.m., and at such hearing all parties interested in the matter of the vacation of said street were heard and there being no sufficient reason to why said vacation of said street should not be made:

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan

Commission that the vacation of said public street herein before
described conforms to the general policy and pattern of development
set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street herein before described be, and the same is, hereby approved; and

BE IT FURTHER RESOLVED, that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets in Allen County, Indiana.

STATE OF INDIANA:
SS
COUNTY OF ALLEN:

I, Alan R. Grinsfelder , President of the Fort Wayne City Plan Commission, do hereby certify that the above and foregoing is a full, true and correct copy of a Resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on January 28, 1974, at 7:30 o'clock p.m., and as the same appears of record in the official records of said Plan Commission.

Fort Wavne City Plan Commission

STATE OF INDIANA:
SS
COUNTY OF ALLEN:

BEFORE THE CITY PLAN COMMISSION OF THE CITY OF FORT WAYNE, INDIANA

PETITION TO VACATE STREET

The undersigned, JIM KELLEY, INC., an Indiana corporation, petitions for vacation of a street, and respectfully shows the City Plan Commission of the City of Fort Wayne, Indiana, as follows:

1. That it is the owner in fee simple of the following described real estate in Allen County, Indiana, to wit:

Lots numbered 333,334 in Stellhorn Park Section B in the City of Fort Wayne, Allen County, Indiana;

- 2. Included in said above described and platted real estate is that portion of Babson Drive platted in said Stellhorn Park Section B beginning at the West line of Calhoun Street and extending to the West property lines of said lots 333 and 334 in Stellhorn Park Section B as shown on Exhibit "A" attached hereto and made a part hereof.
- 3. That the said street to be vacated herein has never been open, and the vacation of said street will not impede, obstruct, or otherwise interfere with any vehicular traffic, nor cause any real estate in the area to be without ingress or egress by means of public way or street.
- 4. Petitioner further states that the vacation of said street will not impede the growth of the area in which it is located or cut off public access to any church, school, or other public building or ground.
- 5. That no land other than said lots 333 and 334 abut on said street proposed to be vacated.

This petition is filed in accordance with the Provisions of the Indiana Acts of 1947, (Chapter 174, Section 44, The Acts of 1963, Chapter 385, Section 3, Page 1002 Burns Indiana Revised Statutes 53-744) and Indiana Acts of 1969, (Chapter 239, Section 601-602 Burns Indiana Revised Statutes 48-916 and 48-917).

Wherefore, petitioner respectfully requests the approval of the City Plan Commission of the City of Fort Wayne, County of Allen, State of Indiana for the vacation of the street herein above described, and for all proper relief.

Respectfully submitted,

by James Excel

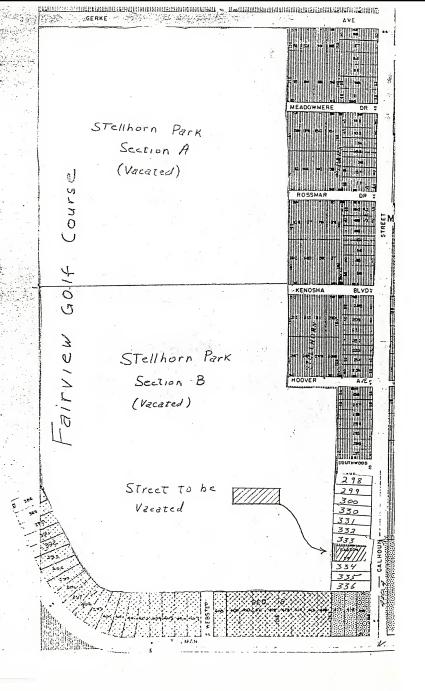
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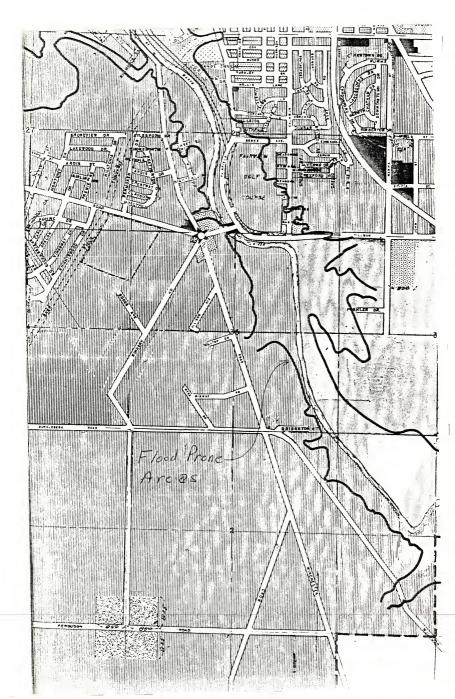
JIM KELLEY, INC.

STATE OF INDIANA:
SS
COUNTY OF ALLEN:

Notary Public

My commission expires:







DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance

1	
2-74-02	7,-09
- , ,	

DEPARTMENT REQUESTING ORDINANCE City Plan Commission
SYNOPSIS OF ORDINANCE Preparation of an ordinance petition
initiated by the property owners for the vacation of the following
described street:
Babson Drive from the West line of Calhoun Street to the West property
line of Lots # 333 and # 334 Stellhorn Park Addition, Section "B"
located on the west side of Calhoun Street north of Tillman Road.
EFFECT OF PASSAGE Unimproved and unopned street would be vacated
and utilized by abutting property owners.
EFFECT OF NON-PASSAGE Street would remain a paper street -
unimproved and unopened.
MONEY INVOLVED (Direct Costs, Expenditures, Savings) None
MONDI INVOLVED (Direct Costs, Expenditures, Bavings)
ACCICNED TO COMMITTEE (7 N
ASSIGNED TO COMMITTEE (J.N.)



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN CITY CLERK

March 15, 1974

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana

Dear Miss Libbing:

Please give the attached full coverage on the dates of March 18 and March 25, 1974, in both the News Sentinel and Journal Gazette.

RE; Legal Notice for Common Council of Fort Wayne, Indiana, -Bill No. G-74-02-29
Bill No. G-74-02-30
Bill No. G-74-02-31

Please send us (4) copies of the Publisher's Affidavit from each newspaper. Thank you.

Sincerely, Charles W. Utesterman Charles W. Westerman

City Clerk

CWW/ne ENCL: 3

My commission expires March 11, 1978

Agreh, 1974. CHARLES W. WESTERMAN, City Cle

Form Prescribed by State Board of A	ccounts	General	Form No. 99 P (Rev 196
Fort Wayne Common Council (Governmental Unit)	t	ToNEWSSEN	I INELI
Allen Cou	unty, Ind.	FORT WAY	NE, INDIANA
	PUBLISHER'S	CLAIM	•
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Body number of lines			108
Tail number of lines			2
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of March, I	ATTEST: (SEAL)	MENT HERE	in state and county aforesaid, and th	hat the printed matter att	ached hereto is	
Presentes	SAMUEL J. TALARICO Presiding Officer	tv	which was duly published in said pa as follows:	per for Z time S , th	e dates of public	cation being
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Approved	HARLES W. WESTERMAN, CITY CITY CITY CITY CITY CITY CITY CITY	,	N	aprilla	1 2.	told
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I Charles	W. Westerman, Clerk of t	20		Edith	Staplet	
tify that the true and o nance No.	e above and foregoing is a fu complete copy of General Or G-03-74 passed by the Comm	di- on	My commission expires March	11, 1978 Notar	y Public	
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3-18-25	, City Cit					

Fort Wayne Common Council		TOURNAT CAT	CTTC
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